The latter ground depends upon the evidence. Strictly speaking it would be right to remit the matter back to the Court which took the pleas and order that the matter should continue from the point it reached on the 27th December, but it is suggested that it will be more convenient if I fix the fines myself.

Before doing so there is the point of misjoinder. I do not think that section 164 of the Criminal Procedure Code applies but that the case falls within section 165 of the Criminal Procedure Code. The four charges of offering for sale are a series of acts constituting one transaction: that is the offer of the four kinds of goods is made at the one place and at the one time. The fifth charge can be joined to these because it is a charge of the same kind. But in any event if this additional charge is a misjoinder no injustice has been caused by it.

The gravity of the offence I have to consider in the light of the grounds of judgment, the recorded evidence of Mr. Kemp, the statements of the accused, the four changes in maximum prices in the last three months prior to the offence and the dispute among the labourers. It is only right that the fines should be substantial but not in the circumstances disclosed that they should reach anywhere near the permitted maximum. I accordingly reduce them.

I reduce the first fine of $750 to $250, the second fine of $500 to $200, the third fine of $300 to $200, the fourth fine of $300 to $200, and the fifth fine of $50 may stand.

Fines reduced accordingly. Excess paid ordered to be refunded.

[APPELLATE CRIMINAL JURISDICTION]

MURRAY-AYNSLEY, J.

February 24, 1940.

ALI BIN YUSOF v. PUBLIC PROSECUTOR.

[PERAK CRIMINAL APPEAL]

Minor Offences Enactment (Cap. 46)—Sec. 35 (i)—Possession of Property reasonably suspected of being stolen—Evidence—Accuseds' character.

The appellant, a well known public character from the Police point of view, was found trying to pawn a paper umbrella worth a few cents. He was arrested, tried and convicted under Section 35 (i) of the Minor Offences Enactment which reads as follows:—

> 35 (i) Any person who has in his possession or conveys in any manner anything which may be reasonably suspected of being stolen or fraudulently obtained shall, if he fails to account satisfactorily how he came by the same, be liable to a fine of fifty dollars, or to imprisonment for three months.

Held, that the character of the accused, by itself, is not sufficient to raise reasonable grounds for suspicion that the property has been stolen.

MAGISTRATE'S CRIMINAL APPEAL.

Appellant in person.

T. V. A. Brodie for Public Prosecutor.

Murray-Aynsley, J.—In this case the appellant was charged under section 35 (i) of Cap. 46.

The appellant, a well known public character from the Police point of view, was found trying to pawn a paper umbrella worth a few cents. When the Enactment refers to something reasonably suspected of being stolen, I think, that the suspicion must be based on something more than the character of the accused, which may be such that the possession of anything at all gives to suspicion.

In the present case, apart from the character of the appellant, I do not think that there was anything at all to give rise to suspicion. In these circumstances I consider that the conviction must be quashed.

Appeal allowed. Conviction quashed.

JOHORE REPORTS.

[APPELLATE CRIMINAL JURISDICTION]

LAVILLE, J.

September 12, 1940.

ONG SIEW SWEE v. PUBLIC PROSECUTOR.

[JOHORE BAHRU CRIMINAL APPEAL No. 14 of 1940]

Motor Vehicles — Overloading — conditions of licence — trailer a carriage — No power to license carriage — Traction Engines and Motor Cars Enactment, Section 4 (i).

The appellant had been convicted on a charge, brought under Section 4 (i) of the Traction Engines and Motor Cars Enactment of having used a trailer other than in conformity with the terms of its licence relating to maximum load.

Held on appeal (1) Section 4 (i) does not, by itself, make it an offence to use a licensed traction engine or motor car in a manner contrary to the terms of its licence, and (2) that, in any event, a trailer is a carriage and is not affected by the provisions of Section 4 (i). **Obiter:** the Enactment confers no power to make rules for the licensing of carriages, and the rules relating thereto are, therefore, **ultra vires.**

MAGISTRATE'S CRIMINAL APPEAL.

The facts and arguments sufficiently appear from the Judgment.

Chandran for Appellant.